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Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products
Liability Litigation

No. 2:15-MD-02641-DGC

**DEFENDANTS C. R. BARD, INC. AND
BARD PERIPHERAL VASCULAR,
INC.'S SUPPLEMENTAL FILING
REGARDING EMERGENCY MOTION
OF LAW OFFICE OF BEN C. MARTIN
AND MARTIN BAUGHMAN TO STAY
DISTRIBUTION PENDING APPEAL**

(Assigned to the Honorable David G.
Campbell)

The Law Offices of Ben C. Martin and Martin/Baughman ("BCM") have filed a motion (Doc. 22164) asking this Court to stay distribution of certain assessments to the common benefit fund established in this multidistrict litigation proceeding ("MDL"), pending their appeal of this Court's May 20, 2022 order (Doc. 22162). That order denied BCM's motion to reduce and/or eliminate their obligation to pay assessments to the common benefit fund. In support of the motion to stay, BCM has also filed a declaration

1 of Mr. Martin, accompanied by exhibits, and a motion to seal the declaration (including
2 attachments). (Doc. 22165).

3 During a hearing held on July 14, 2022, the Court requested certain information
4 from the Defendants, C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively
5 “Bard”). Specifically, the Court inquired about the status of Bard’s transfer of common
6 benefits associated with the BCM settlement to the appropriate escrow funds. In response
7 to the Court’s inquiry, Bard states as follows:

- 8 • Approximately 92.97% of the common benefit funds potentially associated with
9 the BCM inventory settlement have already been transferred to the escrow
10 accounts.
- 11 • Since the date of that transfer, Bard has received a small number of additional
12 releases from plaintiffs or claimants represented by BCM. As a consequence,
13 Bard is in the process of additionally transferring approximately 1.75% of the
14 common benefit funds potentially associated with the BCM inventory settlement.
15 Those funds are expected to arrive in the escrow accounts within a matter of days.
- 16 • Approximately 5.27% of the potential common benefit funds associated with the
17 BCM inventory settlement are presently retained by Bard. Bard has not received
18 executed releases from the plaintiffs or claimants for which those funds have been
19 allocated. If and when any of those individuals submit releases, Bard will transfer
20 the common benefit assessments. Bard has no means of knowing when (if ever)
21 those remaining plaintiffs or claimants will sign releases. It is entirely possible
22 that some of those individuals will “opt out” of the settlement, and no common
23 benefit assessment will be paid on their account.

Bard stands ready to answer any additional questions the Court may have.

DATED this 15th day of July, 2022.

s/ Richard B. North, Jr.

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**Attorneys for Defendants C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2022, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

s/ Richard B. North, Jr.
Richard B. North, Jr.